



DOCKET NO.: CARP-0108

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Paul A. Dickinson, et al.

Application No.: 10/668,840

Filing Date: September 23, 2003

For: AEROSOL COMPOSITION

Confirmation No.: 4976

Group Art Unit: 1616

Examiner: Not Yet Assigned

DATE OF DEPOSIT: April 13, 2004

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE UNITED STATES PATENT AND TRADEMARK OFFICE, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

Elizabeth A. McLoud

TYPED NAME: Elizabeth A. McLoud

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

- ☒ In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of the above identified application as set forth in § 1.491, before the mailing date

of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

☐ In accordance with § 1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

☐ Certification in Accordance with § 1.97(e) is attached; or

☐ The fee of \$180.00 as set forth in § 1.17(p) is attached.

☐ In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:

☐ Certification in Accordance with § 1.97(e) is attached;

or

☐ The fee of \$180.00 as set forth in § 1.17(p) is attached.

☐ In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); and the submission fee of \$180.00 as set forth in § 1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

- ☒ Copies of references listed on the attached Form PTO-1449 are enclosed herewith
- ☒ Copies of references listed on the attached Form PTO 1449 are not required to be submitted pursuant to the June 30, 2003 recent revisions to 37 CFR § 1.98(a)(2)(i).

EXCEPT THAT:

- ☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
- ☒ In accordance with § 1.98(d), copies of the following references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. § 120 have been made in the instant application:
- ☒ Copies of references **1-6 and 8-20** listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior Application No. **09/647,331**, filed **January 30, 2001**.

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050. This form is submitted in duplicate.

- ☐ The relevance of those listed references which are not in the English language is as follows:
- ☒ English language abstracts were previously submitted for references **18 and 19** which were not in the English language.

Date: *April 13, 2004*

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Form PTO-1449 Modified List of Patent and Publications Cited by Applicant (Use several sheets if necessary) U.S. Department of Commerce Patent and Trademark Office	Docket No. CARP-0108	Application No. 10/668,840
	Applicant Paul A. Dickinson, et al.	
	Filing Date September 23, 2003	Group 1616
	Confirmation No. 4976	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
	1	Bower, et al., "Fractal morphology of drug aggregates in aerosol propellant suspensions," <i>International J. of Pharmaceutics</i> , 1995 , 118, 229-235
	2	Gonda, I., "Development of a Systematic Theory of Suspension Inhalation Aerosols. I.A. Framework to Study the Effects of Aggregation on the Aerodynamic Behaviour of Drug Particles", <i>International Journal of Pharmaceutics</i> , 1985 , 27, 99-116
	3	Polli, G.P. et al., "Influence of Formulation on Aerosol Particle Size", <i>J. Pharm. Sci.</i> , 1969 , 58, 484-486
	4	Vervaet, C. et al., "Drug-surfactant-propellant interactions in HFA-formulations", <i>International Journal of Pharmaceutics</i> , 1999 , 186, 13-30
EXAMINER		DATE CONSIDERED

Form PTO-1449 Modified List of Patent and Publications Cited by Applicant (Use several sheets if necessary) U.S. Department of Commerce Patent and Trademark Office				Docket No. CARP-0108		Application No. 10/668,840	
				Applicant Paul A. Dickinson, et al.			
				Filing Date September 23, 2003		Group 1616	
				Confirmation No. 4976			
U. S. PATENT DOCUMENTS							
Examiner Initial		Document No.	Date	Name	Class	Subclass	
	5	5,626,871	05/97	Makino, et al.	424	451	
	6	5,955,439	09/21/99	Green	541	23	
	7	6,136,294	10/24/00	Adjei, et al.	424	45	
FOREIGN PATENT DOCUMENTS							
Examiner Initial		Document No.	Date	Country	Translation		
					YES	NO	
	8	WO 87/07502	12/17/87	PCT			
	9	WO 91/1117	08/08/91	PCT			
	10	WO 92/00061	01/09/92	PCT			
	11	WO 92/06675	04/30/92	PCT			
	12	WO 92/08447	05/29/92	PCT			
	13	WO 95/24889	09/21/95	PCT			
	14	WO 96/19968	07/04/96	PCT			
	15	WO 99/51205	10/14/99	PCT			
	16	0 372 777 B1	01/07/93	EPO			
	17	0 541 12 A2	09/16/92	EPO			
	18	0 561 166 A1	09/22/93	EPO	X abstract		
	19	0 804 946 A1	11/05/97	EPO	X abstract		
	20	2,062,854	09/15/92	Canada			
EXAMINER				DATE CONSIDERED			